REMARKS/ARGUMENTS

Claims 1-17 remain in this application.

Claim 3 has been amended to correct a grammaterical error.

No new matter has been added.

In response to the Office Action of March 30, 2007, Applicant requests re-examination and reconsideration of this application for patent pursuant to 35 U.S.C. 132.

Objections to the Specification

The specification stands objected to under 35 U.S.C. 132(a) for introducing new matter into the disclosure.

The Examiner alleges that an embodiment of the invention wherein a single drawer rolling on the bottom of the cabinet is not contemplated, described or shown in the originally filed disclosure.

Applicant respectfully disagrees with the Examiner's determination that the subject matter added to the specification in the amendment filed February 28, 2007 is new matter.

Claim 1, as originally filed, recites a plastic drawer cabinet having *inter alia* "a base panel, a top panel, a left side panel, a right side panel and a back panel"... "at least one drawer for enclosing the front of said drawer cabinet and providing a storage

area within said drawer cabinet, said at least one drawer including a front portion, a rear portion, a left side an a right side, said left side and said right side each including at least one upper roller and at least one lower roller rotatably mounted thereto". This recitation in originally filed claim 1 provides the basis for an embodiment of the present drawer cabinet kit employing a single drawer. These recitations in claim 1 are also evidence that a single drawer cabinet kit was contemplated and described in the originally filed disclosure.

In addition, the operation of the rollers 710 and 720 is described in the originally filled specification at page 23, lines 4-20. The lower rollers 720 cooperate with the upper surface 612 of a drawer guide 600. In the embodiment of the present invention, employing three drawers, illustrated in Fig. 5 there is no drawer guide 600 for the lower rollers of the lowermost drawer. Therefore the lower rollers of the lowermost drawer must roll along the base or bottom of the drawer cabinet. Accordingly, in the embodiment where there is only a single drawer in the cabinet, the drawer must also rest on the base panel and the rollers, on the lower portion of the drawer, roll on the base panel or bottom of the cabinet.

Applicants respectfully request the withdrawal of the objection to the amendment filed February 28, 2007 under 35 U.S.C. 132(a) in view of the above remarks.

Rejections under 35 USC 112

Claims 5, 12 and 14 stand rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enabling requirement.

Specifically, the Examiner states it is unclear how the spring tabs are "constructed and arranged" to cooperate with an aperture.

Applicants have provided, in the Response filed February 28, 2007, specific examples, in the specification of the present invention, of the operation of the spring tabs. In addition, Applicants have previously indicated, in the same response, that the operation of the spring lock was illustrated in U.S. Patent No. 6,988,780. The Examiner, at page 11 of the outstanding Office action dated March 30, 2007, acknowledged that this patent illustrated the same detail of the operation as the instant application and stated that U.S. Patent 6,988,780 does provide additional light into the structure of the spring tabs. Finally, Applicants refer to U.S. Patents 7,073,677 and 7,028,859 both of which have inventors common to the instant invention and describe the spring locks in the same manner as that of the instant

application. The patent Examiners in those patents did find that the spring locks were described with enough detail that one of ordinary skill in the art could ascertain how they were constructed and connected to the apertures.

Claims 1-17 stand rejected under 35 U.S.C. 112, first paragraph, for failing to comply with the enabling requirement.

The Examiner alleges that the specification does not enable one skilled in the art to make a cabinet with only two drawer guides to provide support and prevent tipping and canting.

The description of a three drawer embodiment of Fig. 5 in the original disclosure indicates that the lowermost drawer has two drawer guides 600 positioned above the drawer. The rear upper rollers 710 of the drawer cooperate with the lower surface 614 of a drawer guide. Lower rollers 720 are mounted on the bottom of the drawer and support the drawer as it is rolled along a support surface, the base panel 100. The cooperation between the upper rollers 710 and the lower rollers 720 which prevents the drawers from tipping and canting is set forth in the specification of the instant application at page 23, lines 4-15. While this description refers to a three drawer cabinet, a single drawer cabinet operates

in the same manner as the lowermost drawer of the three drawer cabinet.

The amendment to the specification at page 23 after line 20, further describes the manner in which a single drawer cabinet with only two drawer guides operates.

Applicants respectfully request the withdrawal of the rejections under 35 U.S.C. 112, first paragraph, in view of the above remarks.

Rejection under 35 USC 103(a)

Claims 1 and 11-16 stand rejected under 35 USC 103(a) as being unpatentable over Hsu in view of Sharon. The Examiner alleges that Hsu teaches a plastic cabinet that can have drawers as seen in figure 11. The cabinet is made up of a base panel, top panel, left side panel, right side panel, and back panel. The top and bottom panels connect to the side and back panels with a means for attaching. The means for attaching are posts on the side and back panels that have integrally formed spring tabs that communicate with locking sockets in the base and top panels. The Examiner recognizes that Hsu does not disclose the locking posts on the top and bottom panels, a plurality of guides that fit into apertures formed in vertical rails, a combination of various size

drawers and the drawer with upper and lower rollers. The Examiner then alleges that Sharon teaches a drawer guide system including drawer guides (51, 52) that have clips (10) to insert into apertures (21) on a vertical rail (20). The guides (51, 52) are considered to have an L-shape by the Examiner. In addition the Examiner states that this system allows for different size drawers to be used in the cabinet and relies on the specification at column 1, lines 39-44 for support. The drawer also allegedly has an upper and lower roller (A', B') to engage the drawer guide (51, 52). The Examiner concludes that it would have been obvious modify the cabinet of Hsu by adding the vertical rails and drawer guide structure as taught by Sharon to allow for adjustable drawers. The Examiner also recognizes that the combination of Hsu and Sharon positions the locking posts on the side and back panels and the locking sockets on the top and bottom panels. The Examiner states that it would have been obvious to reverse the location of these components since it has been held that a mere reversal of parts of a device involves only routine skill in the art.

Applicants respectfully disagree with the Examiner's determination that the claimed subject matter is obvious.

To establish a *prima facie* case of obviousness three basic criteria must be met (MPEP 2142). First, there must be some

suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations.

The proposed modification of Hsu by Sharon fails to teach or suggest the claim 1 limitation, "…at least one drawer enclosing the front of said drawer cabinet and providing a storage area within said drawer cabinet…". All of the embodiments of the Hsu cabinet require that a door 7 be installed on the front of the cabinet which encloses the front of the cabinet, note column 2, lines 36-40 and column 3, lines 12-19. The cabinet of Sharon utilizes a door 61 to close the front of the cabinet since the drawers 50 are substantially narrower that the width of the cabinet. Thus, neither reference teaches or suggests "…at least one drawer enclosing the front of said drawer cabinet and providing a storage area within said drawer cabinet…".

The proposed modification of Hsu by Sharon would destroy the operation of the Hsu cabinet. The drawers of Hsu slide on divider 6 and bottom plate 1. The proposed modification of Hsu by Sharon would require that wall brackets 20 be attached to the inner

surface of the left and right side panels of Hsu, clips 11 would then be secured to the brackets 20, the brackets 12 would then be secured to the clips 11 and finally the channels 51 secured to the brackets 12. This modification would significantly decrease the width of the drawers of Hsu and destroy the aesthetic appearance of the cabinet, as can be seen by the top view, Fig. 5 of Sharon.

The proposed modification of Hsu by Sharon also fails to teach "… said drawer guides constructed and arranged to cooperate with at least one drawer to provide support and prevent tipping and canting of said at least one drawer while said at least one drawer is moved inwardly and outwardly of said cabinet…". The Examiner has not addressed this limitation in the rejection of the claims. In his "Response to Arguments" the Examiner admits that Hsu and Sharon are silent with respect to the function of the drawer guides and states that it is inherent that the purpose of drawer guides is to support a drawer and allow it to be slid in and out of an enclosure. While that may be true that the drawer guides of Sharon allow the drawer to be slid in and out of an enclosure, there is no teaching in either reference of the drawer guides preventing tipping and canting of the drawers as recited in the claims. This claimed function of the drawer guides is only disclosed by Applicants in the present

invention and therefore the Examiner's conclusion of obviousness is based on improper hindsight reasoning. *In re McLaughlin* 442 F.2d 1392, 1395, 170 USPQ 209, 212 (CCPA 1971).

Further, the proposed combination of references fails to disclose the spring tabs of claims 12, 14 and 16. The examiner alleges that Hsu discloses spring tabs, identified as A' in Fig. 7 of Hsu annotated by the Examiner in the office action. However, the Hsu patent fails to disclose any spring tabs and the elements identified as spring tabs in the annotated Fig. 7 of Hsu find no support or description in the disclosure of Hsu. The only teaching of providing the posts with spring tabs is found in Applicants' disclosure and therefore the Examiner's conclusion of obviousness is based on improper hindsight reasoning.

Claims 2, 3 and 17 stand rejected under 35 U.S. C. 103(a) as being unpatentable over Hsu in view of Sharon, as applied to claims 1 and 11-16 above and further in view of Czarnecky. The Examiner alleges that Czarnecky teaches side panels (18) of a drawer cabinet with inner surfaces (30) having integral vertical rails with slots (40, 42). He also states that Fig. 9 of Czarnecky illustrates cross bracing (110) to strengthen the bottom of the drawer. He also alleges that Czarnecky describes

inner panels 30 as including a front series of vertical slots 40 and a rear series of vertical slots 42 (col. 3, lines 30-35). Finally, the Examiner concludes that it would have been obvious for a person of ordinary skill in the art to modify the drawer cabinet of Hsu in view of Sharon by having the vertical rails be integrally molded in the side panels as taught by Czarnecky to allow for easier cleaning and with less individual parts easier assembly and cheaper manufacturing.

Applicants respectfully disagree with the Examiner's determination that the claimed subject matter is obvious.

The drawers of Hsu do not utilize drawer guides so there would be no reason to modify the Hsu drawer cabinet with the teachings of Czarnecky.

Czarnecky describes inner panels 30 as including a front series of vertical slots 40 and a rear series of vertical slots 42 (col. 3, lines 30-35). There is no disclosure in Czarnnecky of "… vertical rails integrally molded on each of said inner surfaces of said left and said right side panels…" as recited in claim 2.

Claim 3 recites that the "…drawer guides are generally L-shaped, said L-shaped drawer guides including a vertical leg and a horizontal leg, a front portion, and a back portion, wherein

said vertical leg is constructed and arranged to prevent canting of said at least one drawer while said at least one drawer is moved inwardly and outwardly of said drawer cabinet…". There is no disclosure in any of the references that teaches or suggests this structure. Hsu has no drawer guides. The drawer guides of Sharon are C-shaped. The drawer guides of Czarnecky are J-shaped and there is no disclosure that they prevent canting of the drawers.

Accordingly, the proposed combination of Hsu, Sharon and Czarnecky fail to teach or disclose all the claim limitations and therefore fails to establish a proper case of obviousness under 35 U.S.C. 103(a).

Claim 17 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Hsu in view of Sharon as applied to claims 1 and 11-16 and further in view of Schenker.

While the Schenker reference does teach providing stiffeners or ribs 70 for the cabinet panels it fails to supply the teachings missing from Hsu and Sharon to meet all the limitations of claim 1 as noted above.

Claims 1-4 and 11-16 stand rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 3,572,874 to Hassel in view of US Patent 6,474,759 to Hsu. Hassel teaches a cabinet (1) with

drawers (2). The drawer glides (11) are mounted with locking posts (16,15) that have a conjugate shape and extend through apertures (9) in integral vertical rail (8) that are formed on the side wall (3). The drawer glides (11) are L-shaped with a vertical leg (13) and horizontal leg (12). The drawers (2) have slides (34, 35) and the rear portion of the drawer (2). A locking member (18) extends through an opening (17) in the vertical leg (13) of the drawer glide (11) and an aperture (10) on the vertical rail (8) to secure the drawer glide (11) in place. The upper slides (35) contact the bottom of the drawer glide (11) that is above the drawer (2) and the lower slides (34) on the drawer (2) contact a drawer glide (11) that is relatively level with the drawer (2).

The Examiner concedes that Hassel does not expressly disclose specific attachment means of the panels of the cabinet and rollers on the drawer.

The Examiner continues on to state that Hsu teaches a plastic cabinet that can have drawers as seen in figure 11. The cabinet is made up of a base panel (1), top panel (5), left side panel (2), right side panel (3), and back panel (4). The top and bottom panels (1,5) connect to the side and back panels (2,3,4) with a means for attaching (11, 12 ,51, 21,25,41,42,31,35). The

means for attaching (11, 12, 51, 21, 25, 41, 42, 31, 35) is posts (35, 42, 25, 21, 31, 41) on the side and back panels (2, 3, 4) that have integrally formed spring tabs (A') that communicate with locking sockets (11,12, 51) in the base and top panels (1, 5) as seen in figure 1 and 7 above. The Examiner then concludes that at the time of the invention it would have been obvious for a person of ordinary skill in the art to modify the cabinet of Hassel by making the panels out of plastic and adding the posts and sockets as taught by Hsu to be easier to assemble and sturdier.

The Examiner admits that Hassel in view of Hsu does not expressly disclose rollers on the drawers. The Examiner states that the Patent Office takes official notice that it is well known to use rollers in drawer construction since they provide less friction than slide elements. The Examiner then concludes that at the time of the invention it would have been obvious for a person of ordinary skill in the art to modify the drawer of Hassel in view of Hsu by replacing the slide elements (35, 34) with rollers to make it easier to slide the drawer by reducing the friction between the drawer and the cabinet.

The Examiner admits that Hassel in view of Hsu disclose the claimed invention except the posts are on the side and back

panels and the sockets are on the top and bottom panels. The Examiner concludes that it would have been obvious to one having ordinary skill in the art at the time of the invention was made to have the posts extend from the top and bottom panels and have the sockets on the side and back panels, since it has been held that a mere reversal of the essential working parts of a device involves only routine skill in the art. In re Einstein, 8 USPQ 167.

Applicants respectfully disagree with the Examiner's determination that the claimed subject matter is obvious.

The proposed modification of Hassel by Hsu fails to meet all of the limitations recited in the claims. Specifically, in claim 1 the limitations "...said drawer guides constructed and arranged to cooperate with at least one drawer to provide support and prevent tipping and canting of said at least one drawer..." and "... said at least one drawer including...at least one upper roller and at least one lower roller rotatably mounted thereto..." are not found in the proposed combination of Hassel and Hsu. The Examiner takes "official notice" that it is well known to use rollers in drawer construction since they provide less friction than slide elements.

Applicants have challenged the Examiner's use of Official Notice to teach that it is well known to use rollers in drawer construction. MPEP 2144.03 states that Official Notice "…should only be taken by the Examiner where the facts asserted to be well-known, or to be common knowledge in the art are capable of instant and unquestionable demonstration as being well known." The Examiner has not set forth any factual evidence to support his statements as required by section 2144.03 MPEP. Accordingly, there is no teaching or suggestion in the references to provide rollers on the drawers of Hassel or Hsu.

In addition, Applicants challenge this position taken by the Examiner because in the rejection of claims 1 and 11-16 as unpatentable over Hsu in view of Sharon neither reference disclosed rollers and the Examiner did not take "official notice" that it is well known to use rollers in drawer construction. It is impermissible for the Examiner to take "official notice" of a claim limitation when a claim is rejected in view of two references and then not take "official notice" for the same claim limitation in the same claim when different references are applied in another rejection. In this application none of the references cited teach of disclose rollers and it is

not so "well known" to use rollers that one can take official notice of this fact.

In Claim 2, the limitation "…said means for securing a plurality of said drawer guides includes a pair of vertical rails integrally molded on each of said inner surfaces of said left and said right side panels …" (emphasis added) are not found in the proposed combination of Hassel and Hsu. Hasssel only discloses U-shaped bends (7) at the two vertical edges of the sidewalls (3). A portion (8) of the bend is provided with a plurality of slots (9) to support rails (11). These bends are not "vertical rails integrally molded on the inner surfaces of the side panels".

Claims 12, 14 and 16 recite a spring tab formed on a locking post and cooperating with a locking socket for secure engagement. Neither Hassel nor Hsu disclose spring tabs. The Examiner alleges that A' of annotated Fig. 7 of Hsu shows integrally formed spring tabs that communicate with locking sockets. The annotation has been supplied by the Examiner and there is no support for this in the disclosure of Hsu. The only teaching for spring tabs is found in Applicants' disclosure.

Accordingly the proposed combination of Hassel and Hsu fail to teach or disclose all the claim limitations and therefore fails to establish a proper case of obviousness under 35 U.S.C. 103.

Claim 17 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Hassel in view of Hsu, as applied to claims 1-4 and 11-16 above and further in view of Schenker. While the Schenker reference does teach providing stiffeners or ribs 70 for the cabinet panels it fails to supply the teachings missing from Hassel and Hsu to meet all the limitations of claim 1 noted above.

Claim 17 stands rejected as being unpatentable over Hassel in view of Hsu as applied to claims 1-4 and 11-16 above and further in view of Czarnecky. While the Czarnecky reference does teach providing a stiffening grid 110 for the cabinet panels it fails to supply the teachings missing from Hassel and Hsu to meet all the limitations of claim 1 noted above.

In light of all of the above remarks. Applicants respectfully submit that the Examiner has failed to establish a *prima facie* case of obviousness and further contend that a person of ordinary skill in the art, having the references Hsu, Sharon, Czarnecky, Schenker and Hassel, in front of him or her

would not have the information and motivation necessary to arrive at Applicants' invention.

Accordingly, Applicants respectfully submit that the claimed drawer cabinet kit distinguishes over the prior art and respectfully request that the rejections of claims 1-4 and 11-17 under 35 U.S.C. 103(a) now be withdrawn.

SUMMARY

In light of the foregoing remarks and amendment to the claims, it is respectfully submitted that the Examiner will now find the claims of the application allowable. Favorable reconsideration of the application is courteously requested.

Respectfully submitted,

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